

APPENDIX L

MARINE MAMMAL CONTINGENCY PLAN



ATLANTIC RICHFIELD COMPANY (ARCO)

REVISED PRC-421 PIER REMOVAL PROJECT

MARINE MAMMAL CONTINGENCY PLAN

prepared by

Fairweather Pacific LLC
4567 Telephone Road
Ventura, CA 93003
(805) 658-5600

November 2003

61

INTRODUCTION

This Marine Mammal Contingency Plan (MMCP) has been prepared in support of a proposed offshore structure removal project located on State Lease PRC-421, near Santa Barbara. The purpose of the MMCP is to minimize the chance of contact with marine mammals, minimize disturbance to marine wildlife caused by vessels providing support to the structure removal and pile driving operations, and set forth appropriate vessel response actions by vessel operators should contact occur.

Personnel transiting the area of the offshore operations will be familiar with the procedures outlined in this MMCP. Adherence to the MMCP will be required under the terms of any contract executed between Atlantic Richfield Company, Fairweather Pacific LLC and vessel operators.

Marine Mammal Species Found in California Waters (from Forney et al. 2000 and Carretta et al. 2001)	Status	Likelihood of Occurrence
Cetaceans		
Humpback whale (<i>Megaptera novaeangliae</i>)	FE	Common in season May-Sept
Northern right whale (<i>Eubalaena glacialis</i>)	FE	Rare
Sperm whale (<i>Physeter macrocephalus</i>)	FE	Rare
Sei whale (<i>Balaenoptera borealis</i>)	FE	Rare
Fin whale (<i>Balaenoptera physalus</i>)	FE	Somewhat common, summer-fall
Blue whale (<i>Balaenoptera musculus</i>)	FE	Common in season, June-Sept
Gray whale (<i>Eschrichtius robustus</i>)		Common in season, Dec-May
Harbor porpoise (<i>Phocoena phocoena</i>)		
Bryde's whale (<i>Balaenoptera edeni</i>)		
Minke whale (<i>Balaenoptera acutorostrata</i>)		
Killer whale (<i>Orcinus orca</i>)		
Pygmy sperm whale (<i>Kogia breviceps</i>)		
Cuvier's beaked whale (<i>Ziphius cavirostris</i>)		In area
Baird's beaked whale (<i>Berardius bairdii</i>)		
Short-finned pilot whale (<i>Globicephala macrorhynchus</i>)		
Northern right whale dolphin (<i>Lissodelphis borealis</i>)		In area, seasonally
Long-beaked common dolphin (<i>Delphinus capensis</i>)		In area, year round
Short-beaked common dolphin (<i>Delphinus delphis</i>)		In area, year round
Bottlenose dolphin (<i>Tursiops truncatus</i>)		In area, year round
Striped dolphin (<i>Stenella coeruleoalba</i>)		
Pacific white-sided dolphin (<i>Lagenorhynchus obliquidens</i>)		In area
Risso's dolphin (<i>Grampus griseus</i>)		In area, year round
Dall's porpoise (<i>Phocoenoides dalli</i>)		In area, seasonally
Steller sea lion (<i>Eumetopias jubatus</i>) (Eastern Stock)	FT	In area
Northern fur seal (<i>Callorhinus ursinus</i>)		In area
Guadalupe fur seal (<i>Arctocephalus townsendi</i>)	FT, ST, PRO	Rare
Northern elephant seal (<i>Mirounga angustirostris</i>)	PRO	Common
Pacific harbor seal (<i>Phoca vitulina richardii</i>) (CA Stock)		Common, year round
California sea lion (<i>Zalophus californianus californianus</i>)		Common, year round
Southern sea otter (<i>Enhydra lutris nereis</i>)	FT, PRO	In area

Status Codes

FE- Federally listed as Endangered under FESA

FT - Federally listed as Threatened under FESA

ST - State-listed as Threatened under California Endangered Species Act

PRO - Fully Protected Mammal under Fish and Game Code §4700

Source: Marilyn Fluharty CDFG

REGULATORY BASIS

All marine mammals are protected by the Marine Mammal Protection Act of 1972 (MMPA). Sections 101 and 102 of the MMPA prohibit intentional killing or harassment of marine mammals.

AVOIDANCE OF MARINE MAMMALS

The project will be timed to avoid the whale migration season; nevertheless, gray whales and other cetaceans could be present during the work period. In order to avoid disturbance to marine mammals during transit to and from the area of work activities, vessel operators shall observe the following rules:

- Support vessels shall not cross directly in front of migrating whales.
- When support vessel(s) are paralleling the course of whales, the support vessels shall not operate at a speed greater than that of the whales. Further, the vessel(s) shall operate at a constant speed.
- Female whales shall not be separated from their calves.
- Support vessels shall not herd or drive whales.
- If a whale engages in evasive or defensive actions, support vessels shall drop back until the marine mammal calms, or moves out of the area.
- If dolphins ride the bow or stern waves or frolic near support vessels, the support vessels shall slow down and keep a steady course.
- If sea lions, seals or other pinnipeds are hauled out in an area where there exists the possibility of harassment, their presence shall be advised to the Construction Superintendent and activities shall be restricted until the animal moves away.

In general, vessels should remain at least 100 yards (300 feet) away from gray whales to minimize the likelihood of collision or disturbance. Vessel operators should be aware that gray whales surface every 30 seconds or so to breathe and that some may be swimming beneath the surface. Gray whales can be observed directly or by their "blow" as animals surface to breathe.

Should gray whales be observed in the path of a vessel, the vessel should slow and/or change course to avoid contact. The path of migrating gray whales can be determined even for animals underwater by the distribution of animals on the surface. On-board personnel should be especially watchful as the vessel crosses this path or anytime gray whales are observed along the course of transit.

COLLISION WITH MARINE MAMMALS

If a collision with a marine mammal occurs, the vessel operator must document the conditions under which the accident occurred, including the following:

- Location of the vessel when the collision occurred (latitude and longitude).
- Date and time.
- Speed and heading of the vessel.
- Observation conditions (i.e., wind speed and direction, swell height or Beaufort Sea State, visibility in miles or kilometers and presence of rain or fog).

- Species of marine mammal contacted.
- Whether an observer was standing watch for marine mammals.
- Name of vessel, vessel operator (the company) and captain or officer in charge of the vessel at the time of the contact.

After a contact, the vessel should stop, if safe to do so. The vessel is not obliged to stand by and may proceed after confirming that it will not further injure the animal by doing so. The vessel shall communicate by radio or telephone all details to the vessel's base of operations. From the vessel's base, a telephone call shall be made to the National Marine Fisheries Service (NOAA Fisheries) Stranding Coordinator, Southwest Region, Long Beach, to obtain further instructions, if any. Alternately, the vessel captain may contact NOAA Fisheries Stranding Coordinator directly.

It is unlikely that the vessel will be asked to stand by until NOAA Fisheries or California Department of Fish & Game personnel arrive, but this will be determined, and advised by, the Stranding Coordinator. Under the Marine Mammal Protection Act of 1972, the vessel operator is not allowed to aid an injured marine mammal or even recover the carcass unless specifically requested to do so by the NOAA Fisheries Stranding Coordinator.

NOTIFICATION

Collision with a marine mammal should be reported promptly to the Stranding Coordinator, NOAA Fisheries. From this report, the Stranding Coordinator will coordinate subsequent action, including enlisting the aid of marine mammal rescue organizations, if appropriate.

Although NOAA Fisheries has primary responsibility for marine mammals in both federal and state waters, the California Department of Fish & Game (CDFG) should also be advised if an incident has occurred in State of California waters.

Reports should be communicated to the federal and state agencies listed below:

Federal	State
Joe Cordaro Stranding Coordinator Southwest Region National Marine Fisheries Service (NOAA Fisheries) 501 West Ocean Blvd. Suite 4200 Long Beach, CA 90802-4213 Telephone (562) 980-4017	Paul Kelly Coordinator Rescue Assessment Unit Office of Oil Spill Prevention & Response California Department of Fish and Game 1700 K Street Suite 250 Sacramento, CA 95814 Telephone (916) 323-4335

TRAINING AND ORIENTATION

All crew members are required to read and understand this document to serve as training. The vessel company shall maintain a sign-up sheet showing the original signature of each person who has completed the training.

IDENTIFICATION GUIDE

Marine mammals along the transit corridor and in the project area consist primarily of cetaceans, pinnipeds and fissipeds. The photographs, visual cues and information presented in the following section will assist in the identification of marine mammals.